

## **EXHIBIT J**

MICHAEL FAILLACE & ASSOCIATES, P.C.  
Michael Faillace [MF-8436]  
110 East 59<sup>th</sup> Street, 32<sup>nd</sup> Floor  
New York, New York 10022  
(212) 317-1200  
*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
MARLON CASTRO, OCTAVIO RANGEL,  
MARTIN VASQUEZ, ALFREDO MARTINEZ,  
RODOLFO MENDEZ, GERARDO ANGULO, JUAN  
MARTINEZ, JOSE CERVANTES, SERGIO  
SANCHEZ, ISRAEL SANCHEZ, MARTINE PEREZ,  
GUILLERMO MENDOZA, OMAR CASTILLO, and  
AMANDO MARTINEZ, individually and on behalf  
of others similarly situated,

*Plaintiffs,*  
-against-

SPICE PLACE, INC., SPICE AVE., INC.,  
BANGKOK PALACE II, INC., SPICE CITY, INC.,  
SPICE WEST, INC., KITLEN MANAGEMENT,  
INC., JUTTANA RIMREARTWATE,  
THANADHAM THANEESAENGSI, KARNDA  
VAJIRABANJONG, KEVIN LEATHERS,  
KITTIKRON LIRTPANARUK, YONGYUT  
LIMLEARTVATE, and YUANYONG  
RIMREARTWATE,

*Defendants.*

-----X  
STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.

Geraldo Angulo, being duly sworn, says:

1. I am a plaintiff in this matter and submit this affidavit in support of the plaintiffs' motion for collective action and class certification.

**07 CV 4657 (RWS)(DFE)**

**AFFIDAVIT OF  
GERALDO ANGULO**

**FLSA COLLECTIVE  
ACTION**

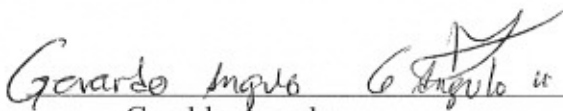
**Rule 23 Class Action**

**ECF Case**

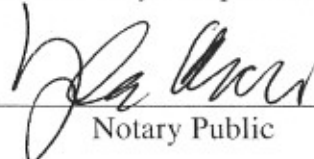
2. I am a resident of Queens County, New York.
3. I worked as a delivery person for the Spice restaurants, defendants in this lawsuit, from in or about July 2003 to date.
4. I worked at the following locations: 199<sup>th</sup> Eighth Avenue in Manhattan; University Place in Manhattan; and I also worked at a third location where sometimes I covered if any one got sick.
5. Although I worked as a delivery man, I also spent about 50 percent of my time cleaning and cutting vegetables, cleaning seafood, cleaning the kitchen and washing the floors.
6. I bought a bicycle for my job at Spice which I used to do deliveries.
7. I got paid in cash every Sunday about \$180 per week
8. In addition to my wages, I also earned tips from Spice customers of approximately \$70 a day.
9. From tips I earned, I had to give \$4 to the manager to be paid to the person packing the deliveries.
10. I ate when I could for a few minutes each day.
11. When I began working at Spice, I had to punch a time card at the start of the day and at the end of the day.
12. The time card was used to make deductions from my wage if I arrived late.
13. Sometime in 2005, the system changed and I had to swipe a card in a machine that recorded the hours I worked.
14. A few times when I forgot to punch in my time card, Spice did not pay me for the day at all.

15. I have never seen a poster at Spice with information about the minimum wage and overtime laws.

16. The Spice Restaurant never informed me that they were going to take a tip credit from my wages; and I never received overtime compensation for the hours I worked over forty hours per week.

  
Geraldo Angulo

Sworn to before me  
this 12<sup>th</sup> day of April 2008.

  
Notary Public

**YOLANDA RIVERO**  
Notary Public, State of New York  
No. 02RI6061584  
Qualified in Queens County  
Commission Expires July 16, 2011



MICHAEL FAILLACE & ASSOCIATES, P.C.  
Michael Faillace [MF-8436]  
110 East 59<sup>th</sup> Street, 32<sup>nd</sup> Floor  
New York, New York 10022  
(212) 317-1200  
*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
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THANADHAM THANEESAENGSI, KARND  
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KITTIGRON LIRTPANARUK, YONGYUT  
LIMLEARTVATE, and YUANYONG  
RIMREARTWATE,

*Defendants.*

-----X  
STATE OF NEW YORK )  
 ) ss.  
COUNTY OF NEW YORK )

Omar Castillo, being duly sworn, says:

1. I am a plaintiff in this matter and submit this affidavit in support of the plaintiffs' motion for collective action and class certification.

07 CV 4657 (RWS)(DFE)

**AFFIDAVIT OF  
OMAR CASTILLO**

**FLSA COLLECTIVE  
ACTION**

**Rule 23 Class Action**

**ECF Case**



2. I am a resident of Queens County, New York.

3. I worked as a delivery man, food preparer, and clean up man for the Spice restaurants, defendants in this lawsuit, from in or about April 2004 until March 2008 at two locations.

4. These included the following locations: on Second Avenue between 4<sup>th</sup> and 5<sup>th</sup> Streets; 199 8<sup>th</sup> Avenue, New York, NY 10011 ("Spice Chelsea"); and 10 University Place ("Spice/ University Place").

5. When I worked at the Spice restaurant on Second Avenue, there were a total of three delivery men who worked the same hours as I did; at Spice Chelsea, there were a total of five delivery men; and at Spice University, there were a total of five delivery men.

6. I worked five days a week from 11:00 am to 11:00 pm, and on Saturdays and Sundays from 11:00 am to midnight.

7. Although a delivery man, I also cut vegetables, cleaned seafood, cleaned the kitchen and washed dishes.

8. I bought a bicycle for my job at Spice which I used to do deliveries for the restaurant.

9. I got paid in cash on Monday \$140 a week, until 2005 when I was paid \$70 a week by check.

10. In addition to my wages, I also earned tips from the Spice customers of approximately \$30 - \$40 a day.

11. From the tips I earned from large orders, I had to give about half of the tip to the manager.

12. I only had about 10 minutes or less to eat at about 4:00 pm, but I was not able to take that meal break every day.

13. When I began working at Spice, I had to punch a time card at the start of the day and at the end of the day.

14. The time card was only used to make deductions from my wages if I arrived late.

15. If I arrived late to work, they deducted \$5 for every 15 minutes of my lateness.

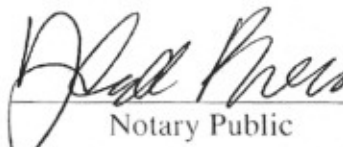
16. Somewhere in 2005, the system changed and I had to swipe a card in a machine that recorded my hours of work.

17. I have never seen a poster at Spice with information about the minimum wage and overtime laws.

18. The Spice Restaurant never informed me that they were going to take a tip credit towards my wages, and I never received overtime compensation for the hours I worked over forty per week.

  
Omar Castillo

Sworn to before me  
this 12<sup>th</sup> day of April 2008.

  
Notary Public

YOLANDA RIVERO  
Notary Public, State of New York  
No. 02R16061584  
Qualified in Queens County  
Commission Expires July 16, 2011



## **EXHIBIT L**

MICHAEL FAILLACE & ASSOCIATES, P.C.  
Michael Faillace [MF-8436]  
110 East 59<sup>th</sup> Street, 32<sup>nd</sup> Floor  
New York, New York 10022  
(212) 317-1200  
*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MARTINEZ, JOSE CERVANTES, SERGIO  
SANCHEZ, ISRAEL SANCHEZ, MARTINE PEREZ,  
GUILLERMO MENDOZA, OMAR CASTILLO, and  
AMANDO MARTINEZ, individually and on behalf  
of others similarly situated,

*Plaintiffs,*

-against-

SPICE PLACE, INC., SPICE AVE., INC.,  
BANGKOK PALACE II, INC., SPICE CITY, INC.,  
SPICE WEST, INC., KITLEN MANAGEMENT,  
INC., JUTTANA RIMREARTWATE,  
THANADHAM THANEESAENGSI, KARND  
VAJIRABANJONG, KEVIN LEATHERS,  
KITIGRON LIRTPANARUK, YONGYUT  
LIMLEARTVATE, and YUANYONG  
RIMREARTWATE,

*Defendants.*

-----X  
STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.

Martin Perez, being duly sworn, says:

1. I am a plaintiff in this matter and submit this affidavit in support of the plaintiffs' motion for collective action and class certification.

**07 CV 4657 (RWS)(DFE)**

**AFFIDAVIT OF  
MARTIN PEREZ**

**FLSA COLLECTIVE  
ACTION**

**Rule 23 Class Action**

**ECF Case**

2. I am a resident of New York County, New York.

3. I worked as a delivery person, food preparer and clean up person for the Spice restaurants, defendants in this lawsuit, from approximately June 2003 through February/March 2006, at the 74<sup>th</sup> Street and 2<sup>nd</sup> Avenue location.

4. When I worked for Spice, there were 4 or 5 delivery men at my location who had jobs like mine, and they told me that they were all paid the same wages that I was.

5. I worked six days a week from 11:00 am to 12:00 midnight, except on Fridays and Saturdays, when I worked until 1:00 am or later.

6. In addition to being a delivery person, I also had to prepare the vegetables, clean seafood, clean the kitchen and wash floors.

7. I bought a bicycle for my job at Spice which I used to do deliveries for the restaurant.

8. I got paid in cash every Sunday in the amount of \$180.00 per week.

9. In addition to my wages, I also earned tips from Spice customers.

10. I earned an average of \$260.00 to \$270.00 per week in tips.

11. From these tips I earned, I had to give \$24.00 per week to the person packing the deliveries.

12. The only time we had anything to eat was for a few minutes at around 5:00pm.

13. I had to punch a time card at the start of the day and at the end of the day.

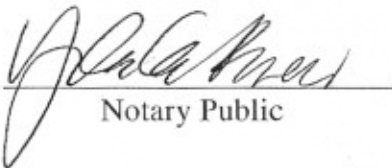
14. I have never seen a poster at Spice with information about the minimum wage and overtime laws.

towards my wages, and I never received overtime compensation for the hours I worked over forty in a work week.



Martin Perez

Sworn to before me  
this 12<sup>th</sup> day of April 2008.



Notary Public

**YOLANDA RIVERO**  
Notary Public, State of New York  
No. 02R16061584  
Qualified in Queens County  
Commission Expires July 16, 2011

## **EXHIBIT M**

MICHAEL FAILLACE & ASSOCIATES, P.C.  
Michael Faillace [MF-8436]  
110 East 59<sup>th</sup> Street, 32<sup>nd</sup> Floor  
New York, New York 10022  
(212) 317-1200  
*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARLON CASTRO, OCTAVIO RANGEL,  
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SANCHEZ, ISRAEL SANCHEZ, MARTINE PEREZ,  
GUILLERMO MENDOZA, OMAR CASTILLO, and  
AMANDO MARTINEZ, individually and on behalf  
of others similarly situated,

*Plaintiffs,*

-against-

SPICE PLACE, INC., SPICE AVE., INC.,  
BANGKOK PALACE II, INC., SPICE CITY, INC.,  
SPICE WEST, INC., KITLEN MANAGEMENT,  
INC., JUTTANA RIMREARTWATE,  
THANADHAM THANEESAENGSI, KARNDA  
VAJIRABANJONG, KEVIN LEATHERS,  
KITIGRON LIRTPANARUK, YONGYUT  
LIMLEARTVATE, and YUANYONG  
RIMREARTWATE,

*Defendants.*

-----X  
STATE OF NEW YORK )  
 ) ss.  
COUNTY OF NEW YORK )

Guillermo Fragosa Mendoza, being duly sworn, says:

1. I am a plaintiff in this matter and submit this affidavit in support of the plaintiffs' motion for collective action and class certification.

07 CV 4657 (RWS)(DFE)

AFFIDAVIT OF  
GUILLERMO  
FRAGOSA MENDOZA

FLSA COLLECTIVE  
ACTION

Rule 23 Class Action

ECF Case



2. I am a resident of Queens County, New York.

3. I began as a dishwasher at the Spice restaurant located at 8<sup>th</sup> Avenue and 20<sup>th</sup> Street in June 2005.

4. My work schedule as a dishwasher was from 12:00 pm to 11:30 pm Sundays through Wednesdays, and from 12:00 pm to 1:00 am on Fridays and Saturdays.

5. During my work as a dishwasher, I received \$480 per week, which was paid in cash for approximately 7 months, and then I was paid with a check.

6. On many occasions when I worked as a dishwasher and received a check for my salary, I was required to return a part of my check in cash to the manager. Specifically, my paychecks were made out to a sum higher than my weekly salary of \$480 and I would have to return the amount over the \$480 to the manager.

7. After approximately 9 months as a dishwasher, I then worked as a delivery man.

8. During the first month I worked as a delivery person, I was assigned to work in two different Spice locations, Chelsea (located at 199 8<sup>th</sup> Avenue, NY, NY 10011) and University (located at University Avenue and 10<sup>th</sup> Street), all in the same week.

9. During this period of time, I had to work 3 days each at Spice Chelsea and Spice University.

10. My work schedule was from 11:00am to 11:30 pm weekdays, and 11:00 am to 1:00am Fridays and Saturdays. I received a day off during the week.

11. I was paid \$150 per week as a delivery person in check.

12. I received two different checks for my salary during this time with two social security numbers, both of which were provided by Spice.

13. I was paid tips, but was never informed by management that the tips would be included as pay.

14. If I arrived late to work, for instance ten minutes, my salary was docked \$5.

15. Spice required me to perform non-delivery work everyday from 11:00am to about 6:00pm. Specifically, I had to carry and place clean carpets from the basement to the kitchen, wash the sidewalk, cut vegetables and clean and peel the shrimp, take the cut vegetables and shrimp and put them away in the refrigerators, and organize supplies of food and utensils that were delivered everyday. After 6pm, if there were no deliveries, I had to assist food preparers in the kitchen.

16. I had to buy a bicycle and cell phone for my job at Spice, which I used to do deliveries at the restaurant.

17. When I was at Spice, I met 15 other delivery men who had the same schedule and non-delivery duties as I did.

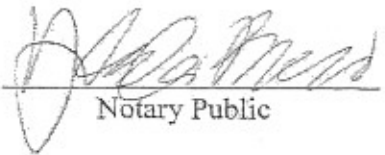
18. Spice required me to enter a code into a computer upon the time I started my work, and at the time of my leaving work. However, in 2006 when I worked as a delivery person, Soy, my manager, would require me to enter my code into the computer at least 1 hour before I stopped working.

19. As a dishwasher, I was given a 30 minute meal break at 4:00 pm. However, when I worked as a delivery person, I was given no scheduled meal break. On many occasions, if I tried to eat, I was ordered to stop eating and told to make deliveries.

20. I never saw any posters at Spice that gave information about the minimum wage and overtime.

  
GUILLERMO FRAGOSA MENDOZA

Sworn to before me  
this 16<sup>th</sup> day of April 2008.

  
Notary Public

YOLANDA RIVERO  
Notary Public, State of New York  
No. 02R16081584  
Qualified in Queens County  
Commission Expires July 16, 2011